

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLIMATEC LLC,
Plaintiff,
v.
K12 ENERGY SERVICES, LLC, et al.,
Defendants.

Case No.: 3:15-cv-02806

**ORDER DENYING EX PARTE
APPLICATION TO FILE
DOCUMENTS UNDER SEAL [Doc.
14]**

Pending before the Court is Plaintiff's *Ex Parte* Application to File Documents Under Seal [Doc. 14]. Plaintiff seeks to file Documents 13-10, 13-11, and 13-12 under seal. Defendant has not filed an opposition or expressed an intention to do so. For the reasons stated below, Plaintiff's Application is **DENIED** without prejudice.

Sealing court records implicates the "general right to inspect and copy public records and documents, including judicial records and documents." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978). The lack of opposition to a motion to seal therefore does not automatically resolve it. *See Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1128, 1130 & *passim* (9th Cir. 2003).

Aside from "grand jury transcripts and warrant materials in the midst of a pre-indictment investigation," a strong presumption applies in favor of public access to judicial records. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th

1 Cir. 2006). Accordingly, a party seeking to seal a judicial record bears the burden of
2 overcoming the strong presumption of public access by meeting the “compelling reasons”
3 standard. *Id.* at 1178. Plaintiff’s Application presents no reasons whatsoever as to why
4 confidentiality concerns here should trump the strong presumption of public access.
5 Rather, Plaintiff simply invites the Court to scour the docket in search of a sufficient
6 justification. (Application [Doc. 14] 2:11–17.) The Court declines this invitation.

7 For the foregoing reasons, Plaintiff’s Application is **DENIED**. The exhibits, which
8 were lodged under seal, will not be considered. The Application is denied without
9 prejudice to refile the exhibits without sealing or filing a new *ex parte* application to
10 seal. Any new application to seal must be filed by February 19, 2016, include the
11 requisite showing, and designate specific portions of the exhibits for sealing.

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13 Dated: February 16, 2016

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15 Hon. M. James Lorenz
16 United States District Judge
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